

Application No.: 09/881,393
Amendment dated: June 11, 2004 (re-submitted on December 15, 2004)
Reply to Office Action of: December 11, 2003

REMARKS

This amendment is responsive to the Office Action dated December 11, 2003. Applicant respectfully requests reconsideration of this application in view of the amendments to the claims and the arguments presented here. Applicant respectfully submits that the amendments to the claims are largely cosmetic.

In paragraph 2 of the office action, the Examiner rejected claim 22 under 35 U.S.C. Section 103(a) as being unpatentable over Barger, Jr. et al. ("Barger") in view of Gordon et al. ("Gordon") and further in view of DST Systems Inc. Mutual Fund System – Audio Response System ("DST").

Applicant notes that claim 22 recites displaying at least a portion of the data entered by the caller. Although the Examiner points to column 9, lines 40-42, in Barger, alleging that the account number entered by the caller is displayed, Applicant does not see that aspect disclosed in Barger. Barger, at that location, merely states that the if "operator assistance is desired, and if not that the customer key in an established account number having a code reserved for push-button telephone customers" etc. etc. There is no indication that any data entered by the caller is displayed to the operator.

Also, the Examiner alleges that the "confirming" step of claim 22 is satisfied because the *"operator can verbally confirm with the customer data stored for said caller and displayed at the operator terminal."* The Examiner points to column 4, line 57 – column 5, line 45; column 10, line 61 – column 11, line 12 in Barger for a teaching of this aspect. Applicant respectfully submits that claim 22 clearly recites the step of "*confirming with the caller, via the voice generator, certain of the data stored in the file for the callers*" (emphasis by underlining added).

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On the one hand, the Examiner indicates that Barger *“does teach replacing any functions of the operator with a voice generator”* yet, on the other hand, she acknowledges that in Barger the function of *“confirmation takes place via the operator rather than a voice generator.”*

Applicant respectfully submits that the Examiner is applying hindsight in combining the references as she does rather than establishing a motivation to combine the references. Indeed, if it were that obvious, one would think that Barger would have indicated that any confirmation of data could take place in either way. Moreover, the Examiner acknowledges that the DST system alleviates the need for the operator to *“verbally confirm caller data, thus resulting”* in *“more efficient call handling operations.”*

Applicant respectfully urges the Examiner to reconsider the rejection of claim 22 and allow claim 22 as it now stands.

In paragraph 3 of the office action, claims 23-24 and claims 26-29 are rejected under 35 U.S.C. Section 103(a) as being unpatentable over Barger in view of the DST reference. Claims 23, 24, and 26 are independent and claims 27-29 depend on claim 29. Claims 24-26 recite displaying at least a portion of the data entered by the caller at the attended terminal. As discussed above, although the Examiner points to column 9, lines 40-42, in Barger, alleging that the account number entered by the caller is displayed, Applicant does not see that aspect disclosed in Barger. Barger, at that location, merely states that the if *“operator assistance is desired, and if not that the customer key in an established account number having a code reserved for push-button telephone customers”* etc. etc. There is no indication that any data entered by the caller is displayed to the operator. Likewise, the claims recite the step of *“confirming with said individual callers, via the voice generator....,”* which the Examiner

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believes is met by a combination of what is suggested in Barger with the DST reference.

Applicant respectfully submits that there is no motivation to combine the two references for the reasons urged above with respect to claim 22.

In paragraph 4 of the office action, the Examiner rejected claim 25 under 35 U.S.C. Section 103(a) as being unpatentable over Barger in view of the DST reference, as applied to claim 24 above, and further in view of Stephenson, Jr. et al. ("Stephenson").

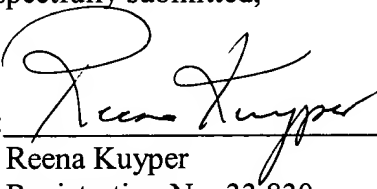
The Examiner contends that the combination of Barger and DST differs from claim 25 in that although it teaches credit card authorization, it does not specify the credit verification process as including testing for negative file data. Applicant respectfully submits that even if Stephenson teaches that aspect, claim 25 is distinct, by virtue of the reasons urged with respect to claim 24, from which it depends.

Applicant respectfully requests the Examiner to reconsider the claims here for the reasons urged above and to allow the claims as they stand presently.

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Respectfully submitted,

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